

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

J-LINE PUMP CO. d/b/a
AMERICAN-MARSH PUMPS,

Plaintiff,

v.

No. 06-2224 B

PASCAL & LUDWIG CONSTRUCTORS,
et al.,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION AND
DENYING THE DEFENDANT'S MOTION TO CHANGE VENUE

Before the Court is the motion of the Defendant, Pascal & Ludwig Constructors, to change venue of this matter to the Central District of California. On June 19, 2007, pursuant to an order of reference, Magistrate Judge Tu M. Pham entered a report and recommendation recommending that the motion be denied without prejudice based on representations by the parties that a settlement has been reached, for which they are in the process of obtaining final approval. The magistrate judge further recommended that the Defendant be permitted to renew its motion by filing a written notice with the Court in the event the settlement is not approved. No objections have been filed by either party and the time for such objections has expired. As there is no objection to the magistrate judge's report, it is hereby ADOPTED and the Defendant's motion is DENIED without prejudice in accordance with the report. See 28 U.S.C. § 636(b)(1) (permitting parties to file written objections to report and recommendation within 10 days of service thereof); LR72.1(g)(2), Local Rules of the U.S. Dist. Ct. for the W. Dist. of Tenn. (same). In accordance with the recommendation of the magistrate judge, the Defendant may, in the absence of settlement approval, renew its motion to

change venue upon the filing of written notice with the Court. The parties need not resubmit briefs in connection with such a renewed motion.

IT IS SO ORDERED this 9th day of July, 2007.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE